

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

DATE: March 19, 2002

SUBJECT: Request for assessment and response action

FROM: Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch

TO: Richard Karl, Chief
Emergency Response Branch
Superfund Division

This memorandum requests the Emergency Response Branch to determine whether or not conditions exist wherein the resources of the Superfund program may be used to prevent the collapse of earthen materials which separate the Chicago River from a waste surface impoundment at the Cometco facility, 1509 W. Cortland in Chicago, Illinois. It appears that the bank of the Chicago River at that location is currently being undercut and/or eroded and may be in danger of collapse. A collapse could result in the release of the contents of the surface impoundment as well as other surface drainage into the environment.

This facility is owned by Metal Management Midwest, Inc. (MMMI) f/k/a Cozzi Iron & Metal. As you may recall, Superfund resources were previously used to sample the liquids stored in this surface impoundment, and a report was prepared by E&E with regard to this particular sampling event.

The U.S. Department of Justice filed a multi-media complaint in federal court with regard to, among many other violations, the used oil RCRA violations at this facility and other facilities owned by MMMI. Certain negotiations have been held between the United States and MMMI.

On December 5, 2001, Sue Rodenbeck Brauer, the Regional RCRA Used Oil Expert, examined the Cometco facility, and observed that the river bank in the vicinity of the surface impoundment appeared to be significantly more eroded than it had been when she viewed the facility in April 2001. Sue also observed seepage from the base of the bank flowing into the River and a small patch (less than a square foot in area) of sheen where the seepage flowed into the Chicago River.

At a status conference before the judge held on February 14, 2002, the DOJ attorney, Jeff Spector, mentioned concern regarding the potential collapse of the bank. The judge strongly urged the parties to "work out a deal" with regard to the surface pond. As a result of the discussions with MMMI and a tentative agreement reached with DOJ, MMMI pumped out about two-thirds of the liquid contained in the surface impoundment. The slope stability analysis would

assess whether there is a situation present such that bank erosion would result in a significant release of the impoundment, including oil to the Chicago River.

Ms. Brauer observed the site again on February 28, 2002, and would be a source for additional information.

Sherry Estes is the ORC attorney assigned to this case, and George Opek is the ECAB staff person assigned to this case.

cc: P. Little
L. Jereza
G. Opek
B. Bolen
S. Estes

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

MAR 2 2002

**OFFICE OF REGIONAL
COUNSEL**

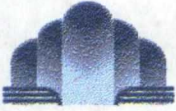
Joseph Boyle

03/20/02 03:22 PM

To: MaryAnn Stephen/R5/USEPA/US@EPA
cc: Sherry Estes/R5/USEPA/US@EPA
Subject: Memo to Rick Karl--Cozzi

Please send Sherry a photocopy of the memo I sent to Rick Karl this week.
Thanks

----- Forwarded by Joseph Boyle/R5/USEPA/US on 03/20/02 03:21 PM -----



Sherry Estes

03/20/02 01:36 PM

To: Joseph Boyle/R5/USEPA/US@EPA
cc: Opek.George@EPA.GOV@EPA, Sue Brauer/R5/USEPA/US@EPA
Subject: Memo to Rick Karl--Cozzi

Can you send me a cc of this memo? Thanks.